REMARKS

In the application claims 1-26 remain pending. The independent claims have been amended to further clarify what is regarded as the invention. Support for the amendments may be found in the specification and figures as originally filed. No new matter has been added.

The pending claims presently stand rejected as being anticipated by Darbee (U.S. 6,933,833) or as being rendered obvious by Darbee alone or as further modified by Mulla (U.S. 2002/0162891).

The reconsideration of the rejection of the claims is respectfully requested. In particular, it is respectfully submitted that Darbee, which is commonly assigned, cannot be said to disclose, either expressly or inherently, the identical invention in as complete detail as is contained in the claims, i.e., each and every element in the exact manner as set forth in the claims. Accordingly, it is respectfully submitted that the rejections based upon Darbee must be withdrawn.

The claimed invention is directed to a system and method for *measuring a size* of a memory in a universal remote control (e.g., overall memory size or available memory size) and for presenting to a user an indication of this *measured memory size*. For example, through a visual or an audible signal the user may be informed that the memory within the universal remote control has a measured memory size of 256 bytes, 512 bytes, etc.

Turning now to Darbee, Darbee discloses a system in which a user may program a programmable key of a remote control such that subsequent activation of the programmable key will cause the remote control to transmit a plurality of commands, commonly referred to as a macro. As further disclosed within Darbee, the macro is programmed by activating a sequence of keys of the remote control and data representative of each key activated during the programming procedure is stored within a RAM memory of the remote control as each key is

activated. In the event that the macro command sequence becomes too large for the RAM memory of the universal remote control, i.e., the RAM memory no longer has room to accept the storage of further key activation data, an LED of the remote control is caused to blink green, yellow, red. In Darbee, it is *only* in the case where the RAM memory no longer has an available address in which data indicative of an activated key may be stored is the remote control caused to blink the noted green, yellow, red. If the programmed key sequence is not too large for the memory, the LED is never caused to blink. Accordingly, the blinking of the LED during the macro programming procedure cannot be said to inform a user as to a *measured* size of the memory within the universal remote control for the simple reasons that: a) the LED may never be caused to blink; and b) in the case where the LED does blink, the amount of RAM memory that was available prior to commencement of the macro programming procedure nevertheless remains <u>variable</u> depending upon the amount of data that has already been stored within the RAM memory, i.e., it would be virtually impossible to determine the size of memory from the mere blinking of the LED since the LED may be caused to blink at any <u>variable</u> point during a macro programming sequence depending upon the amount of memory that has already been utilized (which may be a lot or a little) prior to the start of the macro programming procedure.

In sum, Darbee discloses a system in which a user is notified of nothing more than the fact that a programmed sequence has resulted in a memory overrun. Darbee does not, however, disclose, teach, or suggest that, at any time, a diagnostic routine is run *to measure the size* of the RAM memory as is expressly set forth within the claims. Furthermore, it will be appreciated that the ubiquitous green, yellow, red blinking of the LED of Darbee (which only functions to notify the user of this memory overrun during the macro programming procedure) never functions to inform the user as to the *measured size* of the Darbee RAM memory, i.e., the blinking of the

8

LED does not function indicate that the size of the memory within the Darbee remote control is 256K, 512K or the like. Thus, in Darbee, since the blinking of the LED simply fails to convey information regarding a measured size of the RAM memory, the only way to determine the size of the RAM memory is through inference or by physically opening the casing of the universal remote control which methods for determining memory size have disadvantages the subject invention expressly seeks to overcome. Therefore, it will be appreciated that Darbee cannot be said to disclose, teach, or suggest each and every element set forth in the claims as is required to maintain the rejection under 35 U.S.C. § 102. For this reason, it is respectfully submitted that the rejection under 35 U.S.C. § 102 must be withdrawn.

It is further respectfully submitted that it would not have been obvious to modify Darbee to cause the LED to blink one of a predetermined number of times which are *correlated* to different measurable memory sizes for the simple reason that Darbee fails to disclose, teach, or suggest measuring memory size in the first instance. Rather, all Darbee suggests is blinking an LED to inform a user as to a potential memory overrun, i.e., that the RAM memory is full and cannot store additional key data during a macro programming procedure. For this same reason that Darbee fails to suggest running a diagnostic routine to measure memory size, it is submitted that it would not have been obvious to modify Darbee to cause the LED to blink a number of times *corresponding* to one or more digits representative of measured memory size. Accordingly, it is respectfully submitted that Darbee fails to render obvious the invention of claims 3-4 and 15-16 and the rejection of these claims must also be withdrawn.

Yet further, while Mulla may disclose emitting a sound, like Darbee, the sound is emitted from the Mulla pen only when it is determined that there is little memory space left. However, like Darbee, Mulla fails to disclose, teach, or suggest informing the user via the emitted sound

9

how much memory space if left (or overall memory size). Specifically, nothing from Mulla discloses, teaches, or suggests displaying a *measured memory size* or using one of a plurality of sounds to indicate *a measured memory size*. Accordingly, nothing from Mulla can be said to suggest modifying Darbee to arrive at the exact invention set forth in the claims and the rejection of claims 5-12 and 17-26 under 35 U.S.C. § 103 must also be withdrawn.
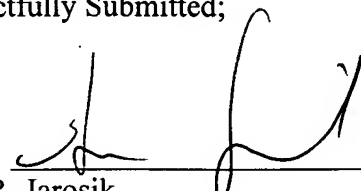
Conclusion

It is respectfully submitted that the application is in good and proper form for allowance. Such action of the part of the Examiner is respectfully requested.

Should it be determined that a telephone conference would expedite the prosecution of the subject application, the Examiner is respectfully requested to contact the attorney undersigned.

The Commissioner is authorized to charge any fee deficiency or credit overpayment to deposit account 50-2428 in the name of Greenberg Traurig.

Respectfully Submitted;

Date: January 13, 2006

By: _____
Gary R. Jarosik
Reg. No. 35,906
Greenberg Traurig, LLP
77 W. Wacker Drive, Suite 2500
Chicago, Illinois 60601
(312) 456-8449